



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

EDWARD JESSE DREYFUSE 3534873

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:18-cv-1239

(Number to be assigned by Court)

Tim Justice, Governor of West Virginia

AND

Patrick Morrisey, Attorney General of West Virginia

In Their Official and Individual Capacities

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ No /

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county);

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: N.C.E. Moundsville

A. Is there a prisoner grievance procedure in this institution?

NOT APPLICABLE TO THIS ACTION

Yes 1 No 1

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes 1 No 1

C. If you answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not: _____

NOT APPLICABLE TO THIS ACTION

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Edward Jesse Dreyfuss 3534873

Address: 112 N.R.L. Dr. Moundsville, WV 26041

B. Additional Plaintiff(s) and Address(es): _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Tim Justice
 is employed as: Governor of W. VA.
 at W. VA. STATE CAPITOL

D. Additional defendants: _____
PATRICK MORRISSEY
Attorney General of W. VA.
W. VA. STATE CAPITOL

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

TO COMPLY TO PRESENT IN THE LIMITED
SPACE PROVIDED - PLEASE REVIEW THE
ATTACHED - 1A THRU 21A

* THIS 42 U.S.C. § 1983 IS IN NO
WAY RELATING TO THE PRISON SYSTEM,
W.V.D.C. OF CONDITIONS OF
CONFINEMENT *

IV. Statement of Claim (continued):

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

*To complex To present in limited
space provided - please review
the attached -*

1A THN 21A

V. Relief (continued)):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No /

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: I have No money

To obtain A Lawyer - Pro se

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No /

If so, state the lawyer's name and address:

Signed this 13th day of AUGUST, 2018.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/13/2018
(Date)



Signature of Movant/Plaintiff

Signature of Attorney
(if any)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

EDWARD JESSE DREYFUSE,
Plaintiff,

Vs.)

ACTION NO: 2:18-cv-1239

TIM JUSTICE, Governor of West Virginia, in his official
and individual capacities; and,
PATRICK MORRISSEY, Attorney General of West Virginia,
in his official and individual capacities;
Defendant's

42 U.S.C.S. § 1983 CIVIL ACTION

Comes The Plaintiff, Edward Jesse Dreyfuss,
Pro se, Presenting The instant 42 U.S.C.S. § 1983
CIVIL ACTION Against The Above named
Defendant's, Tim Justice and Patrick Morrissey
in their official and individual capacities
and notice is hereby served that both of
The Defendant's are being sued jointly
and severally in each of The following
causes for action as presented.

NOTICE OF JURY TRIAL DEMAND

Pursuant to The Federal Rules of Civil Procedure, Rule 38(a)(6), (d)(2) and (c), Plaintiff hereby serves The Defendant's written demand for Jury Trial on all issues so triable.

Plaintiff Acknowledges That to establish a 42 U.S.C. § 1983 Claim he must Prove That The Defendant's Acted under The Color of State Law and deprived him of a Right Secured by The Constitution.

CAUSES FOR ACTION

- 1) Plaintiff's First Cause of Action Pursuant to 42 U.S.C. § 1983 is Against Defendant Jim Justice, Governor of The State of West Virginia, in his Official Capacity, as a Person who deprived The Plaintiff rights secured by The Constitution while The Defendant Acted under The Color of State Law, and also in his individual capacity Respectfully;

ComPLAINT

Defendant Tim Justice, Governor of The STATE OF West Virginia, The duly elected Chief executive officer of The STATE OF West Virginia, by The powers conferred upon him in The West Virginia STATE Constitution, Article VII, § 5, has an OFFICIAL duty under The COLOR OF STATE LAW TO TAKE CARE THAT The LAWS be FAITHFULLY executed.

AS The language imports, it makes it The Governor's duty TO CAREFULLY observe The manner in which The Different OF The Government exercise Their proper functions, AND execute LAWS committed TO Their Charge, or Failure TO perform such duties; AND when They FAIL TO ACT, or ACT improperly, if he has The power TO remove Them From office, TO do so; or if has not, TO bring The subject TO The cognizance OF The department OF The Government which has The power TO remove or punish Them.

when The Governor turns a blind eye TO Public official misconduct, AND REFUSES TO TAKE appropriate ACTIONS for such deeds, he does not discharge his official DUTY. and Deprives The Relator Due process OF LAW.

Plaintiff presented to The Defendant Governor a clear concise Prima Facie Showing supported by a copy of original medical Records and transcripts of the Proceedings which undeniably Prove and establish that on June 19, 2012, The Cabell County West Virginia Public Officials, Christopher Chiles, The Cabell County Prosecuting Attorney, Sean Hammer, The Cabell County Assistant Prosecuting Attorney and Ryan Bentley, A Huntington City Police Officer did commit various Felony offenses, Public Official misconduct, and Fraud upon The Court, when before a session of The Cabell County Grand Jury, between The State of West Virginia and Edward Jesse Dreyfuss, The Defendant in a Grand Jury proceeding considering a felony indictment, Christopher Chiles was in due form of law sworn by said Court to speak The Truth, The whole Truth and nothing but The Truth, Touching The matters then and there in controversy between The State of West Virginia and Edward Jesse Dreyfuss, whereupon, and upon said presentment of Complaint before The Grand Jury considering a felony indictment,

IT became then and there a material question
 to said issue upon the Grand Jury proceedings,
 whether Edward Jesse Dreyfuss did cause
 the death and murder of Mr. Otis Clay by
 inflicting injuries resulting in death,
 and to this material matter, Christopher
 Chiles under the assistance of Sean Hammers
 did procure, present and suborn the perjured
 testimony of Ryan Bentley, who did then
 and there willfully, falsely, corruptly and
 feloniously testify and say, in substance
 and effect, that Mr. Edward Jesse Dreyfuss
 did beat Mr. Otis Clay with a base ball
 bat about the head and face... causing
 multiple facial fractures and a major skull
 fracture... resulting in Mr. Clay's slipping
 into a coma until he died as a result of
 the injuries described as material matters
 of evidence, whereas, the said Christopher
 Chiles, Sean Hammers and Ryan Bentley,
 in truth and in fact, well knew that the
 said statements and testimony of Ryan
 Bentley was false, fabricated and impossible
 according to the state's autopsy report and
 medical records that were in the state's possession
 prior to, and during the Grand Jury proceedings,

The Autopsy Report and medical Records of Mr. Clay that was in the State's Possession before and during the Grand Jury proceedings clearly show and establish that no multiple facial fractures or major skull fracture was ever inflicted upon, or suffered by Mr. Clay, nor did Mr. Clay slip into a coma until he died as a result of those non-existing injuries as was presented as material matters by Christopher Chiles suborning the perjured testimony of Ryan Bentley, against the peace and dignity of the State by Christopher Chiles committing the felony offense of subornation of perjury pursuant to W.V.A. CODE § 61-5-1 (b),

Plaintiff did request that the Defendant Governor Tim Justice take actions against the Cabell County Public officials for the criminalized official misconduct and malfeasance in office as was committed by Christopher Chiles, the Cabell County Prosecuting Attorney, Sean Hammers, the Assistant Cabell County Prosecuting Attorney and Ryan Bentley, the Huntington City Police officer as afore described.

West Virginia Constitution, Article 9 § 4 provides specifically for the indictment of Prosecuting Attorney's for malfeasance, misfeasance or neglect of official duty.

malfeasance is the doing of an act which is positively unlawful or wrong, and without question, a Prosecuting Attorney suborning perjured testimony in violation of W.Va. CODE § 61-5-1 (b), a felony offense, is certainly considered malfeasance.

Further, misconduct in office is any unlawful behavior by a Public officer in relation to the duties of his office willful in character, Christopher Chiles, The Cabell County Prosecuting Attorney committed criminalized prosecutorial misconduct when he knowingly and intentionally suborned perjured testimony before a Grand Jury

Jurisdiction for Removal of Public Officials for misconduct, misfeasance, malfeasance or neglect of official duty is given to The Governor as Chief executive officer of The State

7 A

Plaintiff further informed The Defendant Governor Jim Justice That The Criminalized Prosecutorial misconduct committed by Christopher Chiles and Sean Hammers as Afore described was in fact a clear intentional deprivation of The Plaintiff's Constitutional Rights of Procedural Due Process and Equal Protection of Law under The Fifth and Fourteenth Amendments of The U.S. Constitution which is A Felony Criminal offense under 18 U.S.C. § 242 and also § 241.

Plaintiff Pleaded That The Defendant Governor should act immediately in The matters in Three separate Attempts in having The Defendant Governor Jim Justice correct The Deprivation of The Plaintiff's Due process Rights suffered by The Criminalized Prosecutorial misconduct committed by The Cabell County Prosecuting Attorney as Professional Ethics obligate All Prosecuting Attorneys After A Trial, to bring to The Attention of The Court All significant evidence suggestive of innocence or mitigation That is Acquired After An accused's conviction, And For over one Year, No actions have been Taken.

§ A

By The Defendant Governor Tim Justice not
 Performing his mandatory non discretionary
 duty to faithfully execute the laws by
 taking immediate and appropriate actions
 against Christopher Chiles and Sean
 Hammers for the criminalized prosecutorial
 misconduct which they committed as
 Cabell County Public Officials, The Plaintiff
 continues to suffer constitutional due
 process and equal protection of law violations
 under the fifth and fourteenth amendments
 as if Governor Tim Justice would take
 appropriate actions, and bring to the
 attention of the court all the significant
 evidence suggestive of innocence of
 The Plaintiff never inflicting the multiple
 facial fractures and major skull fracture
 upon Mr. Clay that resulted in death
 such mitigation could be argued and
 The Plaintiff would no longer suffer
 the constitutional deprivations of procedural
 due process being inflicted by The
 Defendant Governor, Tim Justice's
 inactions in the serious matters
 so presented.

Further, Notice of Continuing Harm and failure to exercise one's Power to remedy That harm can establish Personal involvement in a deprivation of Rights for purposes of a 42 U.S.C. § 1983 claim, and such is imported to the instant action and Complaint Respectfully.

BELIEFS SOUGHT

Plaintiff seeks Reliefs by The Defendant Governor in his official capacity of Declaratory Reliefs and Judgment of This Honorable Court under 28 U.S.C. § 2201 and § 2202 and that The Defendant Governor, Jim Justice take appropriate actions, including criminal, for the criminalized prosecutorial misconduct committed by Christopher Chiles, Sean Hammons and Ryan Bentley, and that there be a Directive issued upon The Cabell County Circuit Court of all the significant evidence suggestive of inculcence of The Plaintiff's never inflicting the multiple facial fractures or major skull fracture upon Mr. Clay that resulted in Death as was illegally presented to obtain a tainted VOID indictment.

Plaintiff seeks The Reliefs Against The Defendant Governor Tim Justice, Jointly And Severally in his Individual Capacity in The Amount of \$ 100,000.00 Compensatory Damages and The Amount of \$ 300,000.00 in Punitive Damages or an Amount So Determined by A Jury Deemed Appropriate.

Reliefs are sought For The Deprivation of The Plaintiff's Rights of Procedural Due Process And Equal Protection of Law under The Fifth and Fourteenth Amendments of The United States Constitution Respectfully.

PLAINTIFF'S SECOND CAUSE FOR ACTION

- 2) Plaintiff's Second cause for action Pursuant to 42 U.S.C. § 1983 is Against Defendant Patrick Morrisey, Attorney General of The State of West Virginia in his official and individual capacities as a person who deprived The Plaintiff Rights secured by The Constitution while The Defendant acted under The color of State law and beyond The Property Authority of Such.

ComPLAINT

Defendant Patrick Morrisey, Attorney General of the State of West Virginia has an Official Duty to uphold the Constitution of the United States and of the State of West Virginia and the laws of such, and to execute faithfully the duties of his office pursuant to the West Virginia Constitution, Article 4 § 5.

The Powers and duties of the Attorney General are specified by Constitution and by Rules of Law prescribed pursuant thereto, as a Lawyer and Officer of the Courts of West Virginia, the Defendant Attorney General is subject to the Rules of the Court governing the practice of law and the conduct of lawyers, which have the force and effect of law, the Defendant Attorney General is mandated to report prosecutorial misconduct and criminal felony offenses which he knows a lawyer has committed, especially the federal offense under 18 U.S.C. § 242 deprivation of rights by person under color of law - and his refusal to do so is a deprivation of rights and misprision of a felony, being committed by the Defendant himself.

Plaintiff presented to the Defendant Attorney General a clear concise Prima Facie Showing supported by a copy of original medical Records and Transcripts of the proceedings which undeniably Prove and establish That on June 19th 2012, The Cabell County Prosecuting Attorney Christopher Chiles, The Cabell County Assistant Prosecuting Attorney Sean Hammers and Ryan Bentley R Huntington City Police Officer did commit various Felony offenses, Public Official misconduct and Fraud upon the Court and did intentionally Deprive the petitioner the Constitutional Rights of Due process while acting under the color of State Law in violation of 18 U.S.C. § 242 and § 241, when before a session of the Cabell County Grand Jury, between the State of West Virginia and Edward Jesse Dreyfuss, the Defendant in a Grand Jury Proceeding considering a Felony indictment, Christopher Chiles was in due form of Law sworn by said Court to speak the Truth, the whole Truth and nothing but the Truth, Touching on the matters then and there in controversy between the State of West Virginia and Edward Jesse Dreyfuss,

whereupon, and upon said presentment of
 complaint before the Grand Jury considering
 a felony indictment, it became then and
 there a material question to said issue upon
 the Grand Jury proceedings, whether
 Edward Jesse Dreyfuss did cause the death
 and murder of Otis Clay, by inflicting
 injuries resulting in death, and to this
 material matter, Christopher Chiles under
 the assistance of Sean Hammers, did procure,
 present and suborn the perjured testimony
 of Ryan Bentley, who did then and there
 willfully, falsely, corruptly and feloniously
 testify and say, in substance and effect,
 that Mr. Edward Jesse Dreyfuss did beat Mr. Otis
 Clay with a base ball bat about the face
 and head... causing multiple facial fractures
 and a major skull fracture... resulting in
 Mr. Clay's slipping into a coma until he
 died as a result of the injuries described
 as material matters of evidence, whereas,
 the said Christopher Chiles, Sean Hammers
 and Ryan Bentley, in truth and in fact
 well knew that the said statements and
 testimony of Ryan Bentley was false,
 fabricated and impossible according to the state's
 autopsy report and medical records,

which were in the state's possession prior to,
 and during the Grand Jury proceedings, which
 clearly show and establish that no multiple
 facial fractures or major skull fracture was
 ever inflicted upon, or suffered by Mr. Clay,
 nor did Mr. Clay slip into a coma until
 he died as a result of those non-existing
 injuries as was presented as material matters
 by Christopher Chiles suborning the perjured
 testimony of Ryan Bentley, against the peace
 and dignity of the state by Christopher
 Chiles committing the felony offense
 of subornation of perjury pursuant to
 W.Va. Code § 61-5-1 (b), and also the
 federal criminal offense under 18 U.S.C. § 242,
 by deprivation of the U.S. Constitutional
 rights of due process under the Fifth
 and Fourteenth Amendments which
 clearly occurred as subornation of perjury
 by a prosecuting attorney is a violation
 of due process of law under the afore-
 stated Constitutional Amendments.

Plaintiff did request that the Defendant Attorney General Patrick Morrisey, as an officer of the courts and a state official who is sworn to uphold the U.S. Constitution, the W.Va. State Constitution and the law, and also as a lawyer whom has a duty to conform his conduct to that prescribed by the W.Va. Rules of Professional Conduct and ethics, to take immediate and appropriate actions for the criminalized prosecutorial misconduct, subornation of perjury, deprivation of rights under color of law, fraud upon the court and lawyer misconduct as was committed by Christopher Chiles, Sean Hammers and Ryan Bentley as afore described and properly presented to the Defendant:

Defendant Attorney General Patrick Morrisey Refused to take any actions or to report the illegal misconduct to any proper authorities pursuant to 18 U.S.C. § 4 of the offense of 18 U.S.C. § 242 being committed as the subornation of perjury by a prosecuting attorney is a violation of due process under the U.S. Constitution's fifth and fourteenth Amendments.

Accordingly, The Defendant Attorney General Further Refuses To Abide by The W.VA. Rules of professional Conduct, Specifically, Rule 8.3, As A Lawyer who Knows That Another Lawyer has committed A violation of The Rules of professional Conduct That raises A substantial question as to That Lawyer's Honesty, Trustworthiness, or Fitness as A Lawyer in Other Respects, shall inform The Appropriate Authority.

Christopher Chiles and Sean Hammetts have clearly violated state law, Federal law and have intentionally Deprived The Plaintiff his Constitutional Rights of Due process under The Fifth and Fourteenth Amendments, clearly such stands as misconduct under The W.VA. Rules of professional Conduct under Rule 8.4, as it is Professional misconduct for a lawyer to: (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and (d) engage in conduct that is prejudicial to The Administration of Justice, without question The subornation of perjury by A prosecuting Attorney is conduct involving dishonesty, Fraud and deceit and certainly is prejudicial to The Administration of Justice

Plaintiff has presented an application to present complaint to The Grand Jury for the Felony Criminal offenses committed by Christopher Chiles, Sean Hammers and Ryan Bentley for subornation of perjury and perjury which was committed pursuant to W.VA CODES 61-5-1A, and B, under the provisions of the W.VA. STATE CONSTITUTION, ARTICLE III § 17, A procedural due process Right, in which The Defendant Attorney General Patrick Morrisey by an Assistant is arguing The Plaintiff has no such legal Right, further Depriving The Plaintiff's Constitutional Rights of Due process under the color of law.

By The Defendant Attorney General Patrick Morrisey's Refusal to take appropriate actions for the criminalized prosecutorial misconduct in which he is fully aware of being committed, The Defendant is Depriving your Plaintiff The Rights of Due process and Equal protection of law under the Fifth and Fourteenth Amendments of The U.S. Constitution.

By The Defendant Attorney General Patrick Morrisey's not abiding by The U.S. Constitution, Federal LAW and The W.VA. Rules of Professional Conduct, he is in FACT Violating The Plaintiff's U.S. Constitutional Rights of Due Process under The Fifth and Fourteenth Amendments, as if he would comply with The LAWS and Constitution as a person who is aware of The Plaintiff's being Deprived his Rights by The Criminal Conduct of Christopher Chiles and Sean Hammers, and Report The various felony offenses, Constitutional Violations and Professional misconduct, then The Ethical Obligations That All Prosecuting Attorney's After A Trial, To bring To The Attention of The Court All Significant Evidence Suggestive of Innocence or mitigation That is argued After an Accused's Conviction would be performed and The Plaintiff's Constitutional Rights of Due Process would not be Deprived by The Defendant Refusing The Plaintiff The right To Seek Criminal Actions Against Christopher Chiles, Sean Hammers and Ryan Bentley for The Criminalized Prosecutorial misconduct Committed.

RELIEFS SOUGHT;

Plaintiff seeks the reliefs by the Defendant Attorney in his official capacity of Declaratory Reliefs and Judgment of this Honorable Court under 28 U.S.C. § 2201 and § 2202, that the Defendant Attorney General Take appropriate actions, including Reporting the criminalized prosecutorial misconduct committed by Christopher Chiles, Sean Hammers and Ryan Bentley, including the federal criminal offenses committed under 18 U.S.C. § 242 and § 241, as the subornation of perjury by a prosecuting attorney is a deprivation of due process of law under the Fifth and Fourteenth Amendments of the U.S. Constitution.

Plaintiff seeks the Reliefs against Defendant Patrick Mansel, jointly and severally in his individual capacity in the amount of \$100,000.00 compensatory damages and the amount of \$300,000.00 in punitive damages, or an amount so determined by a jury deemed appropriate.

Reliefs are sought for the Deprivations of
The Plaintiff's Rights of Due process
And Equal protection of Law under the
Fifth and Fourteenth Amendments of The
U.S. Constitution. Respectfully.

I, Edward Jesse Dreyfuss Affirm that I present
The Aforegoing as true and correct under
the penalty of perjury, by my signature
below, pursuant to 18 USC § 1746.

ED Dreyfuss
Affiant / Plaintiff

8/13/2018
Date executed

Edward Jesse Dreyfuss #3534873
112 N.R.C. Dr.
moundsville WV 26041